HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 535 (S/S) 06:

1. Pankaj Kumar S/o Sri Chanshyam Singh,
   Prathamik Vidhyalaya Babarkhera,
   Juspur, District Udham Singh Nagar,
2. Sanjay Singh Rana S/o Sri Shambhu Singh,
   Prathamik Vidhyalaya Babarkhera,
   Jaspur, District Udham Singh Nagar,
3. Sanjay Kumar S/o Sri Raghunath Singh,
   Prathamik Vidhyalaya Aitrampur,
   Jaspur, District Udham Singh Nagar,
4. Satendra Singh Rathi S/o Sri Yadram Singh,
   Prathamik Vidhyalaya Sarverkhera,
   Jaspur, District Udham Singh Nagar,
5. Jitendra Singh S/o Sri Ram Singh,
   Prathamik Vidhyalaya Shayamnagar,
   Jaspur, District Udham Singh Nagar,
6. Vishpal Singh S/o Sri Rampal Singh,
   Prathamik Vidhyalaya Islamnagar,
   Jaspur, District Udham Singh Nagar,
7. Bhure Singh S/o Sri Bharat Singh,
   Prathamik Vidhyalaya Islamnagar,
   Jaspur, District Udham Singh Nagar,
8. Pradeep Kumar S/o Sri Ashrafi Lal,
   Prathamik Vidhyalaya Islamnagar,
   Jaspur, District Udham Singh Nagar,
9. Vijendra Kumar S/o Sri Kripal Singh,
   Prathamik Vidhyalaya Islamnagar,
   Jaspur, District Udham Singh Nagar,
10. Hetram Singh S/o Sri Shivcharan Singh,
    Prathamik Vidhyalaya Bailjuri,
    Jaspur, District Udham Singh Nagar,
11. Basant Singh S/o Sri Govind Singh,
    Prathamik Vidhyalaya Sarvarkhera,
    Jaspur, District Udham Singh Nagar,
12. Vijay Singh S/o Sri Hori Singh,
    Prathamik Vidhyalaya Patrampur,
    Jaspur, District Udham Singh Nagar,
13. Atar Singh S/o Ram Chandra Singh,
    Prathamik Vidhyalaya Shivrajpur Gaonj,
    Jaspur, District Udham Singh Nagar,
14. Suresh Kumar S/o Sri Babu Ram Singh,
    Prathamik Vidhyalaya Ramnagar Van,
    Jaspur, District Udham Singh Nagar,

15. Rajendra Singh S/o Sri Laxman Singh,
    Prathamik Vidhyalaya Ramnagar Van,
    Jaspur, District Udham Singh Nagar,
16. Girvar Singh S/o Sri Karan Singh,
    Prathamik Vidhyalaya Lalpur,
    Jaspur, District Udham Singh Nagar,
17. Ramendra Kumar S/o Sri Raghuveer Singh,
    Prathamik Vidhyalaya Badhiyowala,
    Jaspur, District Udham Singh Nagar,
18. Seema Rani S/o Sri Ramrakshpal Singh,
    Prathamik Vidhyalaya Badhiyowala,
    Jaspur, District Udham Singh Nagar,
19. Virendra Kumar S/o Sri Ramniwas Singh,
    Prathamik Vidhyalaya Teerath II,
    Jaspur, District Udham Singh Nagar,
20. Shailesh Kumar S/o Sri Dushyant Singh,
    Prathamik Vidhyalaya Meghawala,
    Jaspur, District Udham Singh Nagar,
21. Rajkumar Singh S/o Sri Babu Singh,
    Prathamik Vidhyalaya Manjhara,
    Jaspur, District Udham Singh Nagar,
22. Devenda Singh S/o Sri Polin Singh,
    Prathamik Vidhyalaya Durgapur,
    Jaspur, District Udham Singh Nagar,
23. Shailendra Kumar S/o Sri Surjan Singh,
    Prathamik Vidhyalaya Nijamgarh,
    Jaspur, District Udham Singh Nagar,
24. Naresh Singh S/o Sri Harpal Singh,
    Prathamik Vidhyalaya Khalipar Lalpur,
    Jaspur, District Udham Singh Nagar,
25. Vijaypal Singh S/o Sri Mangu Singh,
    Prathamik Vidhyalaya Dharampur,
    Jaspur, District Udham Singh Nagar,
26. Bhawana Pawar D/o Sri Om Prakash Singh,
    Prathamik Vidhyalaya Kunda,
    Jaspur, District Udham Singh Nagar,
27. Poonam Singh D/o Sri Sri Om Prakash Singh,
    Prathamik Vidhyalaya Dhyannagar,
    Jaspur, District Udham Singh Nagar,
28. Mahipal Singh S/o Sri Kishan Singh,
    Prathamik Vidhyalaya Kesharpur,
    Jaspur, District Udham Singh Nagar,
29. Dinesh Kumar S/o Sri Chhotey Singh,
    Prathamik Vidhyalaya Escort farm,
    Kashipur, District Udham Singh Nagar,

30. Rajendra Singh S/o Sri Dalip Singh,
Prathamik Vidhyalaya Lakura,
Bazpur, District Udham Singh Nagar,
31. Virendra Singh S/o Sri Kirpal Singh,
Prathamik Vidhyalaya Basantipur,
Gadrapur, District Udham Singh Nagar,
32. Vijay Singh S/o Sri Ram Singh,
Prathamik Vidhyalaya Jhagarpuri,
Jaspur, District Udham Singh Nagar,
33. Nirpendra Kumar S/o Sri Polin Singh,
Prathamik Vidhyalaya Wahampuri,
Kashipur, District Udham Singh Nagar, -------- Petitioner

Vs.

1. Director of Education and
President U.P. Basic Shiksha Parishad,
Allahabad U.P.,
2. State of U.P. through Secretary Education (Basic),
U.P. Lucknow.
3. State of Uttaranchal through
Secretary Education (Basic)
Uttaranchal, Dehradun,
4. Director of Education (Basic),
2, Subhash Road, Dehradun,
Uttaranchal.
5. Additional District Education Officer (Basic),
Rudrapur, District Udham Singh Nagar -------Respondents.

Sri S.S. Negi, learned Counsel for the petitioners,
Smt. Beena Pandey, ld. Standing Counsel for the respondent no. 1 & 2.
Learned Standing Counsel for the State of Uttaranchal/respondent nos. 3,4 & 5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Negi, learned counsel for the petitioners, Smt. Beena Pandey, learned Standing Counsel for State of U.P./ respondent nos. 1 & 2 and learned Standing Counsel for State of Uttaranchal/respondent nos. 3, 4 & 5.

2. The petitioners who are Assistant Teachers in the various Primary Schools in the District of Udham Singh Nagar, have filed the present writ petitioner with the prayer that they may be provided promotions to the post of Assistant Teachers Junior High School in the district Udham Singh Nagar as the juniors to the petitioners have already been provided promotions on the

post of Assistant Teachers in the Junior High School vide order dated 19.02.2004.

3. Counsel for the petitioners has submitted that the petitioners have already filed representation in this regard before the Additional District Education Officer (Basic), Rudrapur district Udham Singh Nagar. The said representation is of dated 04.04.2006 and is filed as annexure no. 4 to the writ petition.

4. During the course of arguments learned counsel for the petitioners has confined his prayer that the respondent no. 5 be directed to take decision on the representation of the petitioner dated 04.04.2006 annexure no. 4 to the writ petition.

5. The prayer is innocuous.

6. In the interest of justice and in the facts and circumstance of the case I find it just and proper to direct the respondent no. 5 to take decision on the representation of the petitioners.

7. Accordingly the respondents no. 5 is directed to take final decision on the representation of the petitioners dated 04.04.2006, annexure no. 4 to the writ petition, and in case, the juniors to the petitioners have already been promoted and the work and conduct of the petitioners is found up to the satisfaction and further if there is no legal hurdle in providing promotion to the petitioners, their case for promotion shall be considered by the respondent no. 5, at any rate, within a period of six weeks, from the date of production a certified copy of this order.

8. With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 19, 2006:
NCM: